

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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DONALD SCHMIDTMANN,

Plaintiff,

v.

6:13-CV-1415  
(TJM/ATB)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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THOMAS J. McAVOY,  
Senior United States District Judge

**DECISION & ORDER**

This matter was referred to the Hon. Andrew T. Baxter, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation dated February 26, 2015, Magistrate Judge Baxter recommended that the decision of the Commissioner be affirmed, and the plaintiff's complaint be dismissed. [Dkt. # 18]. No objections to the Report -Recommendation have been lodged and the time for filing objections has expired.

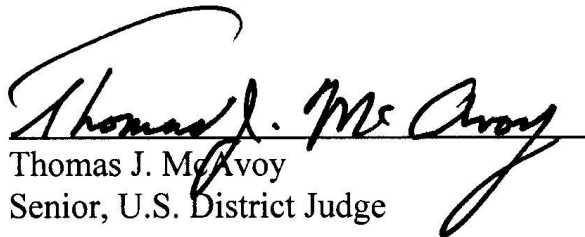
**CONCLUSION**

After examining the record, this Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice. Therefore, the Court **ADOPTS** the Report-Recommendation [dkt. # 18] for the reasons stated therein. The decision of the Commissioner is **AFFIRMED**, and the plaintiff's complaint is

**DISMISSED.**

**IT IS SO ORDERED.**

**Dated:** March 20, 2015

  
Thomas J. McAvoy  
Senior, U.S. District Judge